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C O N F I D E N T I A L SECTION 01 OF 03 BOGOTA 007415

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SUBJECT: U/S BURNS MEETS WITH PEACE COMMISSIONER RESTREPO

Classified By: Ambassador William B. Wood for reasons

1.4 (b) and (d)

1. (U) July 27, 2005, 7:00 - 8:30 am, Ambassador's residence, Bogota

2. (U) Participants:

U.S.

3. R. Nicholas Burns, U/S for Political Affairs
Ambassador William B. Wood
Jeffrey DeLaurentis, Political Counselor
Cynthia Echeverria, P Special Assistant
Sarah LaGier, notetaker
Luis Guio, Interpreter

Colombia

Luis Carlos Restrepo, Peace Commissioner

Summary

3. (C) Under Secretary for Political Affairs Nicholas Burns discussed the paramilitary peace process, Justice and Peace Law, extradition, and the U.S. hostages held by the FARC with Peace Commissioner Luis Carlos Restrepo on July 27. U/S Burns expressed admiration and support for the GOC's efforts to establish peace and security after a 40-year conflict. He warned that many U.S. Congressmen and human rights NGOs believed the Justice and Peace Law was too lenient and that changing this perception was key to U.S. assistance. He underscored that the law could not harm the excellent U.S.-Colombia extradition relationship. He inquired if Restrepo had any information on the three U.S. hostages. Restrepo asserted that the Justice and Peace Law put in place all necessary mechanisms to hold ex-terrorists accountable for their crimes, including confession, investigation and trials, time in confinement, and reparations to victims. It would not impede extradition, although the President could suspend certain extraditions while AUC commanders fulfilled their obligations under the peace process. He expressed concern for the logistical and security challenges presented by demobilizing the remaining 60 percent of the AUC before the end of the year. Restrepo assured Burns that the GOC would demand the release of the three U.S. hostages under any humanitarian accord reached with the FARC. End summary.

The AUC Peace Process

4. (C) U/S Burns asked for Restrepo's views on the paramilitary peace process, including what motivated the AUC to negotiate and the GOC's long-term security strategy. Restrepo explained that military pressure from the security forces and political pressure from the international community had forced the AUC to negotiate. He noted that extradition had been a key source of pressure. According to Restrepo, the AUC had grown at an alarming rate for the 10 years before Uribe took office. He emphasized that paramilitaries posed an even greater threat to democracy than the guerrillas because they attempted to disguise themselves as allies of the government when, in reality, they were the government's worst enemies. President Uribe's strategy was to demobilize the AUC and secure former AUC territories while simultaneously applying military pressure on the FARC and ELN until they agreed to negotiate under GOC conditions.

5. (C) Restrepo expressed confidence that all paramilitaries would demobilize, bloc by bloc, by the end of 2005. Approximately 40 percent (5,800 paramilitaries) had already demobilized and seven more bloc demobilizations were planned in the next weeks. He expressed concern for the security and logistical challenges presented by demobilizing the remaining 60 percent within in two to four months. Each bloc demobilization required at least 400 government and security officials. Without additional resources, the GOC could only manage four demobilizations per month. Providing security in the former AUC territories presented an additional challenge. Restrepo estimated the GOC needed 5,000 to 10,000 new police to secure the areas and conduct specialized counternarcotics

operations to prevent traffickers or guerrillas from taking over former paramilitary drug routes. He warned that even one guerrilla massacre in a former AUC area could halt the entire peace process and expressed hope the U.S. could provide support for security.

Justice and Peace Law

16. (C) U/S Burns acknowledged that finding a balance between peace and justice was difficult, but warned that addressing concerns in the U.S. Congress that the law was too lenient was key to U.S. assistance to Colombia. He noted that many in Washington saw a direct link between human rights certification and the Justice and Peace Law. He encouraged Restrepo to visit the U.S. to explain the law in detail.

17. (C) Restrepo asserted that the Justice and Peace Law put in place all the necessary mechanisms to hold demobilized terrorists accountable for their crimes. He expressed confidence that the justice system would apply the law fully to prevent impunity. The law offers demobilized terrorists a five to eight year sentence followed by a 2.5 to four year parole period only if they fully demobilize, turn over all illicit assets, release all hostages and child soldiers, and give reparations to victims. Individuals or groups organized for drug trafficking or illicit enrichment would not be eligible for reduced sentence. Only crimes committed during membership in, and in the service of, the illegal armed group were eligible. The GOC could nominate potential beneficiaries, but judges would independently decide if the nominee met all the law's requirements.

18. (C) Restrepo explained that paramilitaries would have to confess all their crimes to benefit. Although the constitution required these confessions to be given freely, the ex-terrorist would be tried under the normal criminal code for any crimes he did not confess unless a judge determined that the omission was unintentional, and the ex-terrorist had fully collaborated with authorities and committed to giving reparations to victims. In this case, the ex-terrorist would still receive a 20 percent higher sentence. Restrepo emphasized that all the demobilized paramilitaries (not just those already known to be guilty of major crimes) would be advised to confess their crimes. Later, if they were discovered to be guilty of a crime they did not confess, they would be tried under the normal criminal code. Restrepo estimated that 300 to 400 AUC commanders were implicated in major crimes, but said he expected the number to rise once confessions began.

19. (C) Restrepo noted his job was to disarm, identify and demobilize the paramilitaries, and turn them over to justice. He warned, however, that the AUC leadership had not yet realized just how tough the law was. Applying the law before the entire AUC had demobilized could lead the remaining, armed paramilitaries to abandon the process.

Extradition

110. (C) U/S Burns expressed appreciation for the excellent U.S.-Colombia extradition relationship and emphasized that the Justice and Peace Law should not block extradition in any way. The U.S. would pursue the extradition of any demobilized terrorist who had violated U.S. law or harmed U.S. citizens. Restrepo agreed that extradition was a powerful tool in combating the illegal armed groups and had been a key factor in getting the AUC to demobilize. He assured Burns that the law would not block extradition in any way and that extradition would never be negotiated with any terrorist group. However, on a case by case basis, President Uribe could decide to suspend extradition for certain AUC commanders while they fulfilled their obligations under the peace process and Justice and Peace Law. The GOC would revoke this suspension at any time if necessary. He likened the threat of extradition to a guillotine that would come down if the paramilitaries violated the terms of the peace process. (Note: There has never been a legal or political commitment to extradite every criminal requested. President Uribe has always had the ability to suspend or refuse extradition of any individual or class of individuals at any time. His decisions have produced the best extradition record in the world.)

U.S. Hostages

111. (C) U/S Burns noted that the safe release of the three U.S. hostages being held by the FARC remained a key USG priority and inquired if Restrepo had any news he could pass on to the families of the hostages. Restrepo assured Burns the GOC would insist the three U.S. hostages be released under any humanitarian exchange reached with the FARC. He explained that the FARC held 63 political prisoners,

including the three U.S. citizens, a German, and Ingrid Betancourt, a dual Colombian-French citizen. In exchange for their release, the GOC had offered to release imprisoned FARC guerrillas who pledged to not return to crime and who were eligible for pardon because they were guilty only of rebellion or who met the Justice and Peace Law requirements. In order to negotiate a release, the GOC had offered to meet with the FARC and guarantee safe passage to the meeting place, verified by the international community.

¶12. (C) So far, the FARC had refused. Instead, the FARC demanded the release of all imprisoned guerrillas without any conditions and a demilitarized zone of two municipalities in Valle del Cauca Department. Restrepo explained that these two municipalities had 110,000 inhabitants and connected FARC strongholds in southern Colombia (currently under heavy pressure from the military) to the drug trafficking corridors on the Pacific coast. The GOC would not demilitarize this area under any circumstances.

¶13. (C) This cable has been cleared by P.
DRUCKER